

## **REMARKS**

### **I. Amendments**

Claims 4 and 5 are amended to remove reference to non-elected species.

New claims 13-14 find basis in original claims 4-5. Claims 13-14 are withdrawn.

No new matter is added by way of these amendments.

### **II. Election of Species**

In the Office action dated November, 2009, the Examiner required an election of species for claims 4 and 5. Specifically, for claim 4, an election as to a mammalian cell is required. For claim 5, an election as to a protein is required.

In response, for claim 4, Applicants elect CHO cells. For claim 5, Applicants elect epidermal growth factor. It is Applicants' understanding that claims 1-12 are encompassed by the elected species. The non-elected species are presented in new claims 13-14, which are withdrawn. Applicants note that claims 1-3 and 6-12 are generic. Upon the allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.

No fees beyond those submitted herewith are believed to be due in connection with this Amendment. However, the Director is authorized to charge any additional fees that may be required, or credit any overpayment, to King & Spalding LLP Deposit Account No. 50-4616.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (650) 590-0700.

Respectfully submitted,  
King & Spalding LLP

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